

Nos. 2013-1665, -1666, -1667

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ADJUSTACAM, LLC,
Plaintiff-Appellant,

v.

NEWEGG INC., NEWEGG.COM, INC., & ROSEWILL, INC.,
Defendants-Cross Appellants,
and
SAKAR INTERNATIONAL, INC.,
Defendant-Cross Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS IN CASE NO. 10-CV-329
THE HONORABLE CHIEF JUDGE LEONARD DAVIS

MOTION FOR LEAVE TO FILE REPLY OUT OF TIME

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Attorneys for AMICI CURIAE

October 14, 2014

Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

ADJUSTACAM, LLC _____ v. NEWEGG INC., et al. _____

No. 2013-1665, -1666, -1667

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party) amici _____ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Garmin International, Inc., Kaspersky Lab ZAO, Limelight Networks, Inc., SAP America, Inc., SAS Institute Inc., and Xilinx, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Garmin International, Inc. is a wholly owned subsidiary of Garmin Ltd. Kaspersky Lab ZAO is a wholly owned subsidiary of Kaspersky Lab Ltd. Investment entities affiliated with Goldman, Sachs & Co. own over 10 percent of Limelight Networks, Inc. SAP America, Inc. is a wholly owned subsidiary of SAP SE. SAS Institute Inc. and Xilinx, Inc. have no parent corporations or 10% owners.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

STEVEN D. MOORE, KILPATRICK TOWNSEND & STOCKTON LLP, Eighth Floor, Two Embarcadero Center, San Francisco, CA 94111, Telephone: 415 576 0200

October 14, 2014
Date

/s/ Steven D. Moore
Signature of counsel
Steven D. Moore
Printed name of counsel

Please Note: All questions must be answered
cc: _____

Amici curiae Garmin International, Inc., Kaspersky Lab, Limelight Networks, Inc., SAP America, Inc., SAS Institute Inc., and Xilinx, Inc. (collectively “*Amici*”) respectfully submit this Motion for Leave to File Reply Out of Time.

On Thursday, October 2, 2014, the Court issued an Order scheduling briefing surrounding the Motion for Leave to File Brief of *Amici Curiae*. Dkt. No. 51. This schedule called for a response within 7 days and “a reply within three days thereafter.” *Id.* This would have given Adjustacam until Thursday, October 9, 2014 to file an opposition and *Amici* until today, Tuesday, October 14, 2014 to file a reply. Counsel for Amici received notice of this Order through ECF.

Having received notice of this Order through ECF, counsel for *Amici* believed they would likewise receive notice of the opposition through ECF. When no such notice arrived, counsel for *Amici* retrieved the docket on Friday, October 10, 2014, and only then discovered Adjustacam had filed its opposition brief ahead of its deadline, on October 7, 2014. Dkt. No. 52. Having discovered this on October 10, counsel for *Amici* lacked adequate time to file a reply that day, and with the national holiday yesterday, on October 13, they were unable to seek the advice of the Clerk of the Court until today, October 14.

As a fair reading of the Order suggests the reply may be due three days after the filing of the opposition, and not three days after the initial seven days,

counsel for *Amici* now file this Motion for Leave to File Reply Out of Time.

Counsel for *Amici* respectfully submit that this motion be granted because *Amici* enjoyed no extra time and still filed on the last permissible date originally contemplated by the Court, three days from the date on which the Opposition was due. As such, the parties will not be prejudiced or otherwise harmed.

Wherefore, *Amici* respectfully request that the Court grant their Motion for Leave to File Reply Out of Time.

DATED: October 14, 2014

Respectfully submitted,

KILPATRICK TOWNSEND &
STOCKTON LLP

By: /s/ Steven D. Moore
STEVEN D. MOORE

Attorneys for AMICI CURIAE

FORM 30. Certificate of Service**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF SERVICE**

I certify that I served a copy on counsel of record on [redacted]
by:

[redacted] October 14, 2014

- US mail
- Fax
- Hand
- Electronic Means
(by email or CM/ECF)

[redacted] Steven D. Moore

Name of Counsel

[redacted] /s/ Steven D. Moore

Signature of Counsel

Law Firm [redacted] Kilpatrick Townsend & Stockton LLP

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.